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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,564	07/26/2001	Kouichi Aritomo	325772026000	5482

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EXAMINER

GRAINGER, QUANA MASHELL

ART UNIT PAPER NUMBER

2852

DATE MAILED: 08/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/912,564

Applicant(s)

ARITOMO ET AL.

Examiner

Quana Grainger

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-17 is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☒ Claim(s) 3-12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Information Disclosure Statement***

2. The information disclosure statement filed 7-26-2001 has been considered.

***Drawings***

3. The formal drawings are approved by the examiner.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nozawa et al. in view of Hooper et al. The toner replenishing container for supplying toner to an image forming apparatus by Nozawa et al. comprises a container body 1 for storing toner therein; a cap member 3 attached to a mouth of the container body, the cap member having a toner outlet port and a shutter member 6 for opening/closing the toner outlet port. Nozawa et al. does not teach an indication member removably attachable to the cap member.

Hooper et al. teaches an indication member removably attachable to a cap member. The indication member serves as a control member for determining whether the toner replenishing container may be loaded on a toner supply portion of the image forming apparatus or not. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teaching of Hooper et al. with a toner container such as taught by Nozawa et al. to prevent the fraudulent use of the toner container.

#### ***Prior Art or Record***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kusumoto teaches a replaceable determination mechanism for a drum unit.

#### ***Allowable Subject Matter***

5. Claims 3-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 3 recites a toner replenishing container

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as claimed in claim 1, wherein the cap member has a plurality of mounting portions permitting the mounting of the indication member. Claim 4 recites a toner replenishing container as claimed in claim 3, wherein the plural mounting portions are a plurality of mounting holes. Claim 5 recites a toner replenishing container as claimed in claim 4, wherein the indication member is mounted in a predetermined mounting hole according to a type of toner stored in the container body. Claim 6 recites the toner replenishing container as claimed in claim 4, wherein a plurality of indication members are mounted in the mounting holes according to a type of toner stored in the container body. Claim 7 recites the toner replenishing container as claimed in claim 4, wherein the container body has a fixing portion for fixing the cap member and a counterrotation-preventing projection for preventing the cap member fixed to the fixing portion from rotating in a reverse direction. Claim 8 recites the toner replenishing container as claimed in claim 7, wherein the cap member has a first cap member and a second cap member removably engaged with the first cap member. Claim 9 recites the toner replenishing container as claimed in claim 8, wherein the first cap member has the toner outlet port, the shutter member, the mounting holes, and an engagement portion for engaging with the fixing portion of the container body. Claim 10 recites the toner replenishing container as claimed in claim 9, wherein the fixing portion is formed on an outer surface of the container body whereas the engagement portion is formed on an inner periphery of the first cap member. Claim 11 recites the toner replenishing container as claimed in claim 8, wherein the second cap member has a lock extension locked to the counterrotation-preventing projection of the container body. Claim 12 recites the toner replenishing

container as claimed in claim 11, wherein the counterrotation-preventing projection is formed on an outer surface of the container body whereas the lock extension is formed on an inner periphery of the second cap member.

6. Claims 13-17 are allowed. Independent claim 13 recites a toner replenishing container for supplying toner to an image forming apparatus comprising: a container body for storing toner therein; and a cap member attached to a mouth of the container body, the cap member comprising a first cap member and a second cap member removably engaged with the first cap member, wherein the container body has a fixing portion for fixing the cap member and a counterrotation-preventing projection for preventing the cap member fixed to the fixing portion from rotating in a reverse direction; wherein the first cap member has a toner outlet port, a shutter member for opening/closing the toner outlet port, and an engagement portion for engaging with the fixing portion of the container body; and wherein the second cap member has an extension locked to the counterrotation-preventing projection of the container body.

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quana Grainger whose telephone number is 703-308-7616. The examiner can normally be reached on weekdays between the hours of 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur Grimley can be reached on 703-308-1373. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and 703-872-9319 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-3431.

A handwritten signature in black ink, appearing to read 'Quana Grainger', with a stylized flourish at the end.

Quana Grainger  
Primary Examiner  
Art Unit 2852

QG  
August 2, 2002